

## Department of Planning and Budget 2015 Fiscal Impact Statement

**1. Bill Number:** HB1287H1

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Cole

**3. Committee:** Courts of Justice

**4. Title:** Forfeiture of property used in connection with commission of crimes; conviction required.

**5. Summary:** Forfeiture of property used in connection with the commission of crimes; conviction required. The substitute bill provides that the property that has been seized may be forfeited even though no final judgment of conviction has been entered if (i) such forfeiture is ordered by a court pursuant to a lawful plea agreement or (ii) the owner of the property has not submitted a written demand for the return of the property with the law-enforcement agency that seized the property within one year from the date such property was seized.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8.

**8. Fiscal Implications:** The provisions of the substitute bill provides that the property would be seized if it is ordered by a court pursuant to a lawful plea agreement if no judgment of conviction has been entered, or the owner of the property has not submitted a written demand for the return of the property with the law-enforcement agency that seized the property within one year from the date such property was seized. There is insufficient data to determine how many cases would result in a plea agreement. Because there is insufficient data at this time, the exact amount of the fiscal impact as a result of the substitute bill cannot be determined.

Based upon information provided by several Commonwealth's Attorneys offices, asset forfeiture funds is used for witness travel costs, acquisition of case management system, drug screening kits, legal research tools, and equipment and technology aids. Additionally, some of the offices use asset forfeiture funding as the sole source of funding for training and travel purposes.

Additionally, the Commonwealth's Attorneys' Services Council (Council) may indirectly be impacted since the funds are currently used to send prosecutors to training offered by the Council. According to the Department of State Police, it collected \$191,303 in 2013 and \$354,662 in 2014 in forfeiture revenue. The funding is used to support law enforcement activities.

**9. Specific Agency or Political Subdivisions Affected:** Commonwealth's Attorneys Services Council, Department of State Police, state and local law enforcement agencies.

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 2/5/2015-HB1287.docx (LAJ)